

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREW CHERRY,

Plaintiff,

v.

PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

CASE NO. C21-27 MJP

ORDER GRANTING STIPULATED
MOTION TO MODIFY
SCHEDULING AND TRIAL
DATES

This matter is before the Court on the Parties' stipulated motion to modify scheduling and trial dates. (Dkt. No. 42.) After considering the Parties' positions, the Court GRANTS the motion and ORDERS the following revised schedule set forth herein.

This is an action for damages and equitable relief against The Prudential Insurance Company of America for wrongful denial of benefits and breach of fiduciary duty under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq., ("ERISA"). (Dkt. No. 1.) The Parties have cross-moved for summary judgment under Rule 56 or, in the alternative, partial judgment under Rule 52 on Plaintiff's claim for denial of benefits. (See Dkt.

1 Nos. 28, 29.) They have reserved Plaintiff's claim for breach of fiduciary duty for trial, which is
2 scheduled for December 20, 2021. (Dkt. No. 24.)

3 The Parties now ask to continue the remaining pretrial deadlines and reschedule trial for
4 2022 so they can pursue settlement via mediation. (Dkt. No. 42.) In their joint motion, the
5 Parties represented that they were working to schedule mediation but did not expect a date until
6 February 2022 and need more time to complete discovery, including Plaintiff's deposition, which
7 remains open. The Parties later updated the Court that they have scheduled mediation for
8 February 1, 2022 and that their current settlement talks contemplate both of Plaintiff's claims.
9 For that reason, they also clarified that they ask the Court to defer consideration of the
10 dispositive motions.

11 The Court finds there is good cause to put the Parties on a new trial schedule and defer
12 consideration of the pending motions so they may pursue comprehensive settlement via
13 mediation. The cross-motions, (Dkt. Nos. 28, 29), are STAYED pending mediation and the
14 Court ORDERS the following revised schedule:

- 15 1. Trial is rescheduled to April 25, 2022;
- 16 2. Pretrial conference will be held on April 14, 2022
- 17 3. Trial briefs, proposed findings of fact and conclusions of law, and agreed pretrial
18 order are due by April 12, 2022;
- 19 4. Motions in limine shall be filed by March 21, 2022;
- 20 5. Discovery motions shall be filed by February 28, 2022;
- 21 6. Discovery shall be completed by February 18, 2022.

22 The Parties are further ORDERED to submit a joint status report to update the Court on the
23 outcome of mediation by February 15, 2022.

1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated November 12, 2021.

3 

4 Marsha J. Pechman
5 United States Senior District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24